

Seattle Permits

— part of a multi-departmental City of Seattle series on getting a permit



Tree Protection Regulations in Seattle

February 2002

Trees are valued in Seattle and legally protected in a variety of ways. If you are considering cutting, removing, or preserving trees during construction activity on a site, you'll want to read this Client Assistance Memo (CAM), which summarizes the regulations enforced by the Department of Planning and Development (DPD) and references a number of documents you may find useful.

Determining Which Regulations Apply to You

Tree protection regulations vary by a number of factors. To find which regulations apply to your circumstances, you will need to have answers to the following questions:

- What is the zoning of your property?
- Is your property in an Environmentally Critical Area (ECA)? If so, what category of ECA (wetland, steep slope, etc.)?
- Is your property undeveloped? Are you planning new development? If so, is it an addition to an existing structure or is it completely new construction (new construction includes demolition and rebuilding)?
- Does your property contain trees over six inches in diameter?

Answers to zoning and ECA questions can be found at the DPD Public Resource Center, located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave., (206) 684-8467.

Categories of Trees Affected

The main categories of trees on which these regulations focus are:

- **Trees over six inches in diameter**, measured four and one-half feet above the ground
- **Trees over two feet in diameter**, measured in the same manner
- **Exceptional trees** which have unique historical, ecological or aesthetic value (see DR 6-2001)
- **Hazardous trees** that pose a high risk of damage to persons or property

Identifying Tree Types on Your Property

The tree protection regulations require you to have certain information about existing trees on your property, including what species you have and whether they are healthy. Director's Rule (DR) 6-2001 and the DPD flyer titled "Common Seattle Trees" will be helpful, although you may still find it necessary in some circumstances (e.g., a large development) to hire a professional. Both documents are available at the DPD Public Resource Center (Seattle Municipal Tower, 20th Floor, 700 Fifth Ave.) and online at www.seattle.gov/dpd/news.

DR 6-2001 defines exceptional trees and provides standards and procedures for their classification. For example, common short-lived "weedy" species that should never be designated as exceptional are listed, as are rare species that should always be designated as exceptional. The rule also explains how native and non-native species are distinguished.

"Common Seattle Trees" describes trees that may qualify for protection measures. For each species, drawings of leaf shape and overall form of the tree are shown, in addition to comments on the fruit, flower, bark, cones (when applicable), and tree tip.

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Summary of Tree Protection Code Requirements

This section provides a brief survey of the major code requirements. Citations from the actual regulations are given here and in the chart at the end of this CAM.

A. No development is proposed

1. If property is in one of the following Environmentally Critical Areas (ECA), tree removal may require a Vegetation and Tree Removal permit: wetlands, riparian corridor, landslide prone, steep slope, and fish and wildlife area. See SMC 25.09.320 and Director's Rule 3-94 for information on requirements for Vegetation and Tree Removal permits in these ECAs.
2. In all other areas, the provisions of SMC 25.11 apply. On undeveloped land where development is not proposed, removal of any tree over six inches in diameter is prohibited unless the tree is hazardous. Removal of an exceptional tree (see DR 6-2001) is prohibited on undeveloped land or on property that contains a single family house on a zone other than single family (in other words, any tree, including exceptional trees, can be removed on a site in a single family zone with an existing single family house). The intent is to protect exceptional trees on sites with potential development.

B. Tree planting/retention as part of landscape requirements for new development (in or out of ECA)

See Director's Rules 13-92 and 3-94 (ECA). Landscaping requirements are also found in each zone's Land Use Code chapter. Tree planting requirements for Lowrise 3, Midrise, Highrise and all the commercial zones are contained in DR 13-92.

Trees are required when new construction (not structural additions) occurs, either through tree preservation or tree planting in Single Family, Lowrise Duplex/Triplex, Lowrise 1 or Lowrise 2 zones, according to the following formula: two inches of tree diameter for each 1,000 square feet of lot area. Retention of trees over 10 inches in diameter fulfills more of the basic requirement than smaller trees, because preservation of a larger (healthy) tree is generally more important than having multiple small trees.

C. Tree protection requirements for new development

1. If property is in an ECA, see SMC 25.09.320 and DR 3-94. Tree removal as part of a building or grading permit does not require a separate tree removal permit, since vegetation removal will be considered as part of the overall permit. The removal permit requirements apply in the following types of environmentally critical areas: wetlands, riparian corridors, landslide prone, steep slope, and fish and wildlife areas.
2. If property is not in an ECA, see SMC 25.11. You will need to identify all existing trees with a diameter of over six inches on the plot plan (location, size and species/common name). There are no restrictions on tree removal for structural additions, only for new structures. The basic approach is to establish a tree protection area within which no development should occur in order to protect the tree. By staying outside of this area, a development might lose some development potential, which may be regained by modifying some of the development standards that apply in various zones.

Tree Protection Regulations by Zone

Single Family and Residential Small Lot zones

Exceptional trees may be removed only in limited circumstances. Protection of other trees over two feet in diameter is optional, but encouraged. A single family lot's development potential is defined as 35% of the lot area or 1,750 square feet, whichever is greater. The house (up to its "development potential") must be designed to avoid the tree's protection area. If this cannot be done without extending into required front and/or rear yards, then such extension is permitted. See **Figure 1**. If the development potential cannot be achieved in this manner, or if avoiding development in the tree protection area would result in a portion of the house being less than 15 feet in width, then the tree may be removed.

Figure 1. Example of tree protection in single family zones

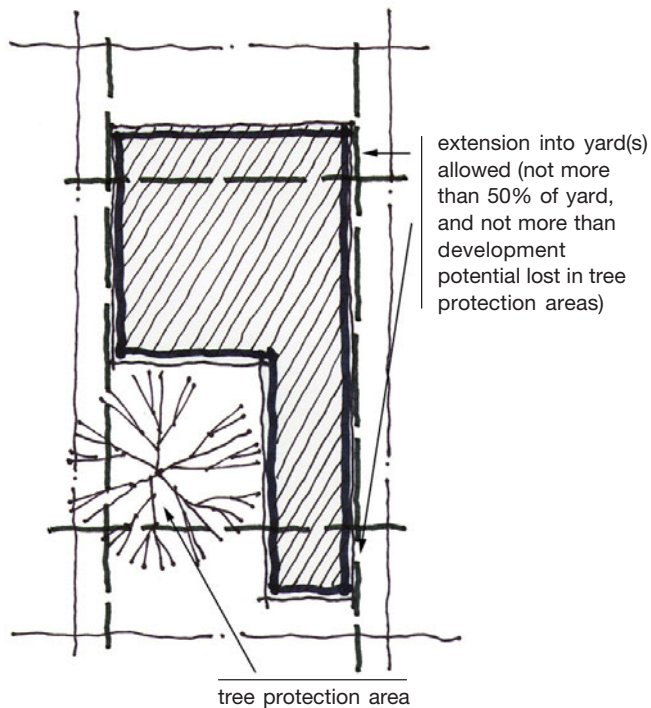
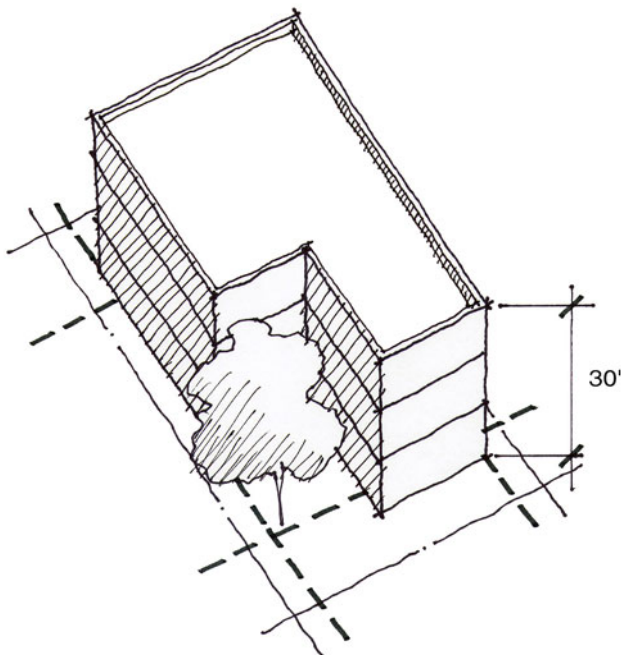


Figure 2. Recovery of development potential by encroachment into front and/or rear setbacks in lowrise zones



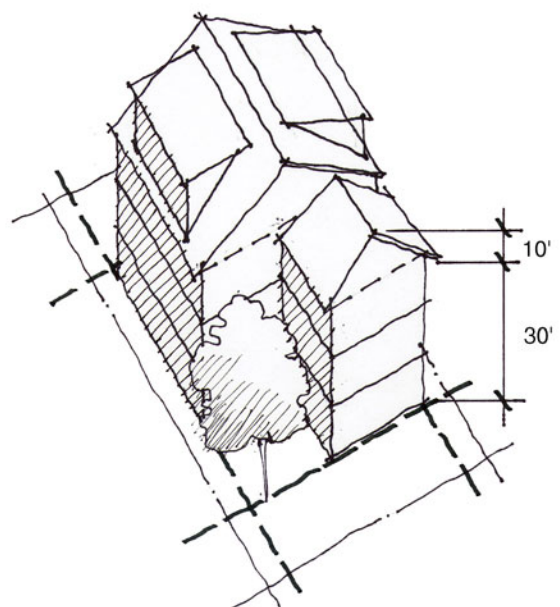
Lowrise Duplex/Triplex, Lowrise 1, Lowrise 2, and Lowrise 3 zones

If there is an exceptional tree on the site, the project must go through administrative design review, even if the project is below the design review threshold for number of units. Exceptional tree removal is permitted only in limited circumstances. Protection of other trees over two feet in diameter is optional, but encouraged.

A site's development potential in these zones is the total floor area that could be achieved with the maximum permitted development coverage and the height limit of the applicable lowrise zone. The project (up to its "development potential") must be designed to avoid the tree protection area using one or more of the following methods:

- Development standard departures through design review including extensions into required setbacks. See **Figure 2**.
- Increase in permitted height of five feet if needed to accommodate additional development on an additional floor. The amount of the additional floor area is limited to the amount of floor area lost by avoiding development within the tree protection area. See **Figure 3**.
- Reduction in number of required parking spaces (up to a 10% reduction).

Figure 3. Recovery of development potential through increase in height to allow fourth floor in lowrise zones



Lowrise 4, Midrise, and all commercial zones

If there is an exceptional tree on the site, the project must go through administrative design review, even in the project is below the design review threshold for number of units or square footage. An exceptional tree may be removed only if avoiding development in the tree protection area could not be achieved by development departures through design review and/or up to a 10% reduction in required parking spaces. Protection of other trees over two feet in diameter is optional, but encouraged.

Other Zones

Tree protection may be required as part of design review and/or SEPA evaluation.

Regulatory Framework

The Seattle Municipal Code (SMC) and DPD Director's Rules contains regulations concerning trees in a number of sections. The most important regulations and processes are found in the following documents:

Seattle Municipal Code*

- Chapter 25.11—Tree Protection
- Section 25.09.320—Environmentally Critical Areas
- Section 25.05.675N—State Environmental Policy Act (SEPA)
- Chapter 23.41—Design Review (administrative design review process, waiver of development standards, and plan submittal requirements)
- Section 23.22.020 and 23.22.040—Subdivisions
- Section 23.24.020 and 23.24.040—Short plats

DPD Director's Rules*

- Director's Rule 13-92—Landscape Standards
- Director's Rule 3-94—Development in Environmentally Critical Areas
- Director's Rule 6-2001—Clarification of SEPA Plants and Animals Policy

Client Assistance Memos*

- CAM 331, *ECA Tree and Vegetation Removal Permits*

Design Review-Related Documents*

- CAM 238—*Design Review: General Information, Application Instructions, and Submittal Requirements*
- "Design Review: Guidelines for Multifamily and Commercial Buildings"

Access to Information

Links to electronic versions of DPD **Client Assistance Memos (CAMs)**, **Director's Rules**, and the **Seattle Municipal Code** are available on the "Publications" and "Codes" pages of our website at www.seattle.gov/dpd. Paper copies of these documents, as well as additional regulations mentioned in this CAM, are available from our Public Resource Center, located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave. in downtown Seattle, (206) 684-8467.

Tree Regulations For Non-ECA Sites Where New Construction Is Proposed

Zones	Landscaping/Tree Planting Regulations	Tree Protection Regulations (SMC, Ch. 25.11)
Single Family	SMC 23.44.008	Ch. 25.11, especially 25.11.060
Lowrise Duplex/Triplex, Lowrise 1 and Lowrise 2	SMC 23.45.015	Ch. 25.11, especially 25.11.070
Lowrise 3	SMC 23.45.015A and B DR 13-92	Ch. 25.11, especially 25.11.070
Lowrise 4, Midrise, Highrise and Commercial	L4: SMC 23.45.015A/B MR: SMC 23.45.057 HR: SMC 23.45.073 Commercial: 23.47.016 DR 13-92 lists the number of trees required in each zone.	Ch. 25.11, especially 25.11.080
All other zones	See relevant chapter for each zone	Not Applicable

Design Review

If project is under the Design Review threshold (see CAM 238) in Lowrise, Midrise, or Commercial zones, the project may still have to go through Administrative Design Review **IF** there are exceptional trees on the site. Administrative Design Review is optional if the site contains a tree over two feet in diameter.

If the project is over the Design Review threshold, general design guidelines will apply to consideration of whether or not trees will be recommended for retention, whether the tree is "exceptional" or not.

SEPA

If over SEPA thresholds (see DR 23-2000) and not covered by Chapter 25.11, the project will still be reviewed for "exceptional" tree protection under SEPA policy 25.09.675N and DR 6-2001.